IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 171 OF 2005

Mr. Joaquim Rosario Ivens Fernandes ... Petitioner

versus

State of Goa through the Secretary, Ministry of Power and another. ... Respondents

Mr. S. D. Lotlikar, Senior Advocate with Ms. Shreya Naik, Advocate for the Petitioner.

Mr. S. S. Kantak, Advocate General with Ms. G. Bhonsle, Additional Government Advocate for the Respondents.

CORAM : R. M. LODHA &
N. A. BRITTO, JJ.

DATE : 29TH AUGUST, 2005.

P.C.:-

Heard Mr. S. D. Lotlikar, the learned Senior Counsel for the Petitioner and Mr. S. S. Kantak, the learned Advocate General for the Respondents.

In compliance of our Order dated 16-8-2005, the learned Advocate General at the out-set handed an Additional Affidavit of Nirmal Braganza, Chief Electrical Engineer, Electricity Department, Panaji.

Since it appears that the Electricity Department is in the process of being restructured to meet the provisions of the Electricity Act, 2003, and since the new companies so formed may like to down size the Organizational structure, as a matter of policy the State Government has decided to recruit Junior Engineers on purely adhoc basis.

It is true that the present Petitioner along with other similar situated Petitioners were given offers of appointment pursuant to the recruitment process initiated by notice dated 4-11-2003 inviting applications and the Petitioner along with other similar situated Petitioners accepted the offer of appointment. However, in view of the stand taken by the Respondents for not filling the posts due to restructuring of the Electricity Department, the Petitioner and the other similar situated Petitioners cannot claim their appointment as a matter of right to the posts of Junior Engineers. It is pertinent to note that vide notice dated 4-11-2003, the applications were invited for recruitment of 32 Junior

Engineers. The Petitioner, the other similar situated Petitioners and few others were on the Wait List. The 32 posts of Junior Engineers according to merit were filled up. The Wait List does not confer any right on the candidates in the Wait List save and except to the 32 posts of Junior Engineers for which the appalications were invited.

We record and accept the statement of the learned Advocate General that out of 32 Junior Engineers initially appointed, 2 Junior Engineers left and 2 vacancies have occurred and the said 2 vacancies shall be filled in from amongst the Petitioner, the similar situated Petitioners and the others on the Wait List on the basis of their merit.

With the aforesaid observations the Petition is dismissed.

Needless to say that if the Petitioner has any claim of damages against the Respondents in law, dismissal of this Writ Petition will not preclude the Petitioner from prosecuting his remedy for damages.

N. A. BRITTO, J. **R. M. LODHA, J.**

RD.